

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Larry Blakney,)	Case No. 6:20-cv-03219-DCC
)	
Plaintiff,)	
)	
v.)	ORDER
)	
Catherine Brewton, Shawn Hay,)	
Hartsville Police Department,)	
)	
Defendant.)	
_____)	

This matter is before the Court on Plaintiff's Complaint alleging violations of his constitutional rights. ECF Nos. 1. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.), this matter was referred to United States Magistrate Judge Kevin F. McDonald for pre-trial proceedings and a Report and Recommendation ("Report"). On February 1, 2021, the Magistrate Judge issued a Report recommending that the Complaint be dismissed as duplicative and the motion for leave to proceed in forma pauperis be denied. ECF No. 12. The Magistrate Judge advised Petitioner of the procedures and requirements for filing objections to the Report and the serious consequences if he failed to do so. Petitioner has filed no objections, and the time to do so has lapsed.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The

Court is charged with making a de novo determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. See 28 U.S.C. § 636(b). The Court will review the Report only for clear error in the absence of an objection. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of timely filed objection, a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” (citation omitted)).

After considering the record in this case, the applicable law, and the Report of the Magistrate Judge, the Court finds no clear error and agrees with the recommendation of the Magistrate Judge that this action is subject to summary dismissal. Therefore, this action is **DISMISSED** as frivolous without prejudice and without issuance of service of process. Accordingly, the motion for leave to proceed in forma pauperis [8] is **FOUND as MOOT**.¹

IT IS SO ORDERED.

s/ Donald C. Coggins, Jr.
United States District Judge

March 29, 2021
Spartanburg, South Carolina

¹ The undersigned finds that Plaintiff cannot cure the deficiencies in his Complaint and that allowing Plaintiff to amend his pleadings would be futile. See *Bing v. Bravo Sys., LLC*, 959 F. 2d 605 (4th Cir. 2020).

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.